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FAX COVER LETTER

January 13, 2006

TO: Mail Stop Petition - Commissioner for Patents
COMPANY: U.S. Patent and Trademark Office
FAX: 571.273.8300
FROM: Barbara A. Wrigley
DIRECT DIAL: 612.607.7595
EMAIL BWrigley@Oppenheimer.com
RE: U.S. Patent Application No. 09/911,551
 Filed: July 23, 2001
 Art Unit: 3764
 Examiner: Michael A. Brown
 Attorney Docket No.: 687-470

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to Mail Stop Petition - Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number 571/273-8300 on January 13, 2006.

K. J. Rostberg

Date

1. Transmittal Form SB21
2. Petition to Withdraw Holding of Abandonment
3. Copy of previously-filed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address; Statement under 37 CFR 3.73(b) and supporting assignments

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number

09/911,551

Filing Date

July 23, 2001

First Named Inventor

Callister, et al.

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Art Unit

3764

Examiner Name

Michael A. Brown

JAN 13 2006

Total Number of Pages in This Submission

10

Attorney Docket Number

587-470

ENCLOSURES (Check all that apply) Fee Transmittal Form Drawing(s) After Allowance communication to (TC) Fee Attached Licensing-related Papers Appeal Communication to Board of Appeals and Interferences Amendment / Reply Petition to Withdraw Holding of Abandonment Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) After Final Petition to Convert to a Provisional Application Proprietary Information Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Status Letter Extension of Time Request Terminal Disclaimer Other Enclosure(s) (please identify below): Express Abandonment Request Request for Refund Return Postcard Information Disclosure Statement CD, Number of CD(s) _____ Copy of previously-filed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Certified Copy of Priority Document(s) Landscape Table on CD Address; Statement under 37 CFR 3.73(b) and supporting assignments Reply to Missing Parts/ Incomplete Application

Remarks

 Reply to Missing Parts under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Oppenheimer Wolff & Donnelly LLP		
Signature			
Printed name	Barbara A. Wrigley		
Date	January 13, 2006	Reg. No.	34,950

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax. No. 571/273-8300) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	K. J. Rostberg
Date	January 13, 2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Callister, et al.
 Serial No.: 09/911,551
 Filing Date: July 23, 2001
 Title: OCCLUDING DEVICE AND
METHOD OF USE
 Docket No: 687-470 (formerly R0371-00402)

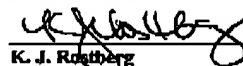
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Group Art Unit: 3764

Examiner: Michael A. Brown

Mail Stop Petition
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 11/13/06
 K. J. Rothberg Date

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

A Notice of Abandonment was mailed October 3, 2005 in connection with the above-identified application. The Notice of Abandonment issued on the ground that "no reply was received" to the Office Action dated February 22, 2005. However, a response was in fact timely filed. Further, because all claims had previously been allowed a Notice of Abandonment should not have been sent. All documents referenced in this Petition are publicly available on the USPTO's public PAIR system and have not been enclosed.

A Notice of Allowance and Fee(s) Due was mailed on June 6, 2004. Subsequently, the attorney of record at the time filed a Request for Continued Examination on September 14, 2004 to enable the Office to consider additional documents resulting from litigation involving a parent of the present application. Applicants received an Office Action dated February 22, 2005 indicating certain deficiencies in the IDS, i.e. that the IDS submitted by the Applicants did not contain (i) a list of all patents, applications, etc, (ii) U.S. patents and publications listed in a section separately from citation or other documents, (iii) the application number of the application in with the IDS is being submitted on each page of the list, (iv) a heading stating that

U.S. Patent Application No. 09/911,551
Petition to Withdraw Holding of Abandonment
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it was an Information Disclosure Statement, but otherwise stating that all claims were still allowed.

In response to the Office Action dated February 22, 2005 Applicants timely submitted on March 14, 2005 an IDS that met the requirements of 37 CFR §1.98(a)(1) and as requested by the Examiner.

A Notice of Abandonment was mailed to Applicants on October 3, 2005.

A new Power of Attorney and Revocation of Prior Powers and Change of Correspondence Address was submitted by the undersigned attorney on October 17, 2005, which does not appear to have been made of record. A duplicate is attached for your convenience.

Because Applicants timely responded to the Office Action dated February 22, 2005 and because all claims had been allowed, it was improper for the Office to send a Notice of Abandonment.

Accordingly, Applicants respectfully request that the Office withdraw the holding of abandonment at no cost to Applicants, reinstate the application, and issue a new Notice of Allowance and Issue Fee(s) Due directed to the undersigned attorney.

It is believed that no fees are due in connection with this Petition. If, however, fees are due, the Director is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-1901 (Reference 687-470/US).

Respectfully submitted,

Dated: Jan 13 2006

By 
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